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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,739	01/09/2002	Masayoshi Nakagawa	9281-4241	6542

7590 03/10/2003

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[REDACTED] EXAMINER

DOLAN, JENNIFER M

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

2813

DATE MAILED: 03/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

BRINKS HOFER GILSON & LIONE
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Advisory Action	Application No.	Applicant(s)
	10/043,739	NAKAGAWA ET AL.
	Examiner Jennifer M. Dolan	Art Unit 2813

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

THE REPLY FILED 30 January 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b])

- a) The period for reply expires 3 months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: ____.

3. Applicant's reply has overcome the following rejection(s): ____.
4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None

Claim(s) objected to: None

Claim(s) rejected: 1-14, with claims 8 and 14 rejected with Wada in view of Budde, as in claim 1.

Claim(s) withdrawn from consideration: None

8. The proposed drawing correction filed on _____ is a) approved or b) disapproved by the Examiner.
9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s).
10. Other: _____


CARL WHITEHEAD, JR.
SUPERVISORY PATENT EXAMINER
TEC 2800

Continuation of 5. does NOT place the application in condition for allowance because: Regarding the Applicant's argument for claim 8, the language of the claim simply requires a direct electrical connection between the voltage impressing electrode and the exposed portion of the FPC. If in Wada, the actuator connection pads (22) are considered to be the voltage impressing electrode (i.e. an electrode of the microactuator on which the trace connectors of the feed line are connected, then a direct electrical connection results (see paragraph 1047). If the terminal electrodes of the actuator are considered to be the voltage impressing electrode, the electrical connection is still direct, because there are no parasitics between the feed line and the terminal electrode, and thus, any currents flow unimpeded. Connection from the feed line to a conductive electrode member, and from that member to the terminal electrode does not negate a direct electrical connection, because the conductive member does not in any way affect the electrical connection between the feed line and the electrode. A direct electrical connection is not considered the same as a physical joint or a physical bond, and it does not require two components to be physically joined, but rather, it simply requires that there are no electrical parasitics between the components. Figure 4 of Wada shows that the control circuitry for the microactuator connects directly to the microactuator through the feed lines (18b).

Regarding the applicant's argument for claim 1, the applicant argues that Budde discloses piezoelectric elements mounted to several horizontally disposed sections of a swing arm, rather than being suspended between two sections by adhesive, and that the piezoelectric elements are disposed over an underlying structure. This is not persuasive, because Budde does disclose that the piezoelectric elements are mounted to both the base section (38) and the mounting arm (54) by adhesive with the remainder of the length of the piezoelectric elements unattached, as cited on page 4 of the arguments, as well as column 4, lines 3-9), which means that the piezoelectric elements are suspended between two sections of the swing arm by adhesive. The presence or absence of underlying structure in Budde does not really have any bearing on whether Budde does teach piezoelectric elements suspended between two sections of the swing arm by adhesive.